

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

KEVIN GAMBLE,

Plaintiff,

-against-

9:06-CV-136  
(LEK/GJD)

MS. A. MONETTE, et al.,

Defendants.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on May 25, 2007 by the Honorable Gustave J. DiBianco, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 18). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff, which were filed on June 29, 2007. Objections (Dkt. No. 25).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” Id. This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 18) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that Defendants' Motion to dismiss pursuant to 28 U.S.C. § 1915(g) (Dkt. No. 17) is **GRANTED**; and it is further

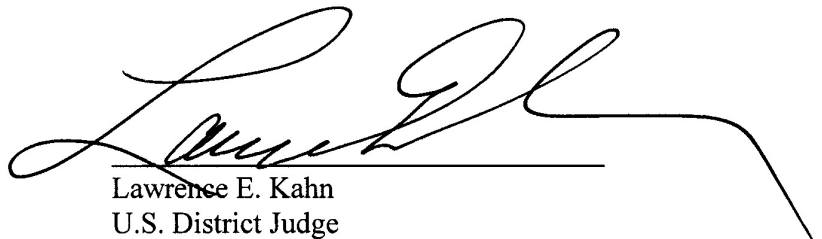
**ORDERED**, that Plaintiff's *in forma pauperis* status is **REVOKED**; and it is further

**ORDERED**, that the Complaint (Dkt. No. 1) is **DISMISSED**, unless **WITHIN THIRTY (30) DAYS** of the District Court's Order of dismissal, Plaintiff pays the requisite filing fee in effect at the time that the Complaint was filed; and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: July 20, 2007  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge